

ORDINANCE NO. 2007-40

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION", BY PROVIDING A NEW ARTICLE, ARTICLE VI ENTITLED "EDUCATION FUND", TO CREATE AN EDUCATION FUND AS A SEPARATE INTEREST-BEARING TRUST FUND TO IMPLEMENT THE GOALS AND OBJECTIVES OF THE EDUCATION COMPACT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY AND/OR THE DUTIES OF A MUNICIPAL SPONSOR OF CHARTER SCHOOLS WITHIN THE CITY AND TO FUND STUDENT SCHOLARSHIPS AND CONSTRUCTION OF PUBLIC CHARTER SCHOOL STUDENT STATIONS; TO PROVIDE FOR FUNDS FROM PROPERTY OWNERS AND DEVELOPERS IN CONNECTION WITH THE PAYMENT OF EDUCATION MITIGATION FEES PURSUANT TO A DECLARATION OF RESTRICTIVE COVENANTS AND OTHER CONTRIBUTIONS PERMITTED BY LAW; AND TO PROVIDE CITY COUNCIL APPROVAL FOR FUND WITHDRAWALS UPON RECOMMENDATION OF MAYOR; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, the specific purpose of this ordinance is to create an education fund to support municipal education priorities and services in furtherance of the goals and objectives of the Education Compact between the City and The School Board of Miami-Dade County; and/or to fund the services in connection with the municipal sponsorship of

charter schools pursuant to state law; and to fund student scholarships and the construction of public charter school student stations created to mitigate the impact of residential development that generates additional students within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 2 entitled "Administration", by adding a new Article, Article VI entitled "Education Fund", to read as follows:

Chapter 2

ADMINISTRATION

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ARTICLE VI. EDUCATION FUND

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Division 1. Generally.

Sec. 2- . Created.

There is created and established an education fund to advance and implement the goals and objections in three major areas of mutual cooperation and understanding in the educational compact between the city and the School Board of Miami-Dade County, to wit: improving academic programs, community involvement and coordination of infrastructure and administrative planning efforts; and/or provide funding for services as a municipal sponsor to charter schools in the city in carrying out municipal sponsorship duties required by state law; and/or provide funding for student scholarships and the construction of public charter school student stations.

Sec. 2- . Accounting and expenditures.

All funds collected and deposited in the education fund trust fund, an interest-bearing trust account established and

maintained by the city. Such trust account shall be so designated as a separate and distinct account. The city council shall approval all withdrawals from the education fund upon recommendation of the mayor. Expenditures from the trust account shall be restricted to the purposes described in this article.

Sec. 2- . Deposits.

Funds to be collected and deposited in the education fund shall consist of contributions proffered by property owners or developers in connection with the payment of education mitigation fees pursuant to a declaration of restrictive covenants; and other contributions permitted by law for the purposes set forth herein.

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections

of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

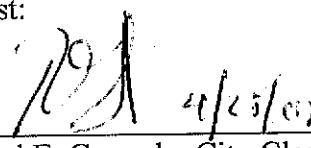
PASSED AND ADOPTED this 24 day of April, 2007.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 186.041
PRIOR TO FINAL READING.



Esteban Bovo
Council President

Attest:



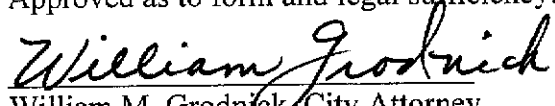
Rafael E. Granado, City Clerk

Approved on this 25 day of April, 2007.



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strike through~~ indicates deletion. Underline indicates addition.

Ordinance was adopted by
a unanimous vote with
Councilmembers Bovo,
Caragol, Casals-Muñoz,
Gonzalez, Hernandez,
Miel and Yedra voting
"Yes".